

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF ALABAMA

IN RE: * CASE NO: 17-80441
JAMES EDWARD THOMAS * CASE UNDER CHAPTER 13
SSN ***-**-0878
PHENIX CITY, AL 36869 *
DEBTOR, *

COVER SHEET FOR AMENDED CHAPTER 13 PLAN

COMES NOW, the debtor in the above captioned matter and files this Notice of Filing Amended Chapter 13 Plan by stating as follows:

1.

1. The Chapter 13 Plan is amended by reducing the payment to Ocwen Loan Servicing to \$775.00 per month.
2. The Chapter 13 Plan is amended by adding arrears of rental property financed with Chase Mortgage in the amount of \$1,226.00, and they will be paid \$24.00 per month.

Respectfully Submitted this 25th day of July 2017.

AREY G. CROSS, P.C.

By: 

America A. Cross
Attorney for Debtor
4800 Armour Road
Columbus, GA 31904
(706) 596-6745
State Bar No: CRO-075

UNITED STATES BANKRUPTCY COURT
FOR THE MIDDLE DISTRICT OF ALABAMA

IN RE:

JAMES EDWARD THOMAS

DEBTOR(S),

CHAPTER 13

CASE NO: 17-80441

CHAPTER 13 PLAN
CHECK IF AMENDED PLAN X

CREDITOR'S RIGHTS WILL BE AFFECTED BY THIS PLAN. You should read this and other documents sent to you carefully and discuss them with your Attorney.

TO FILE AN OBJECTION TO CONFIRMATION. An Objection to Confirmation must be filed not later than seven (7) days prior to the date fixed for the Confirmation hearing and must state with particularity the grounds for the objection. See LBR 3015-2, which can be found at www.almb.uscourts.gov/lrules/index.htm, and must state with particularity, the grounds for the objection.

PROOF OF CLAIM. Creditors must file a proof of claim to be paid. Confirmation of this plan does not bar the Debtor(s), Trustee or a party in interest from objecting to a claim.

1. PAYMENT AND LENGTH OF PLAN

Debtor(s) shall pay \$1,050.00 per month to the Chapter 13 Trustee beginning within thirty (30) days.
The Length of the Plan is 59 months.

2. FILING FEES

The Filing Fee as prescribed by LBR 1006-1 shall be paid as follows:

 X Filing Fee paid in full directly to the Clerk of Court with the Petition.
 Filing fee is being paid in installments pursuant to LBR 1006-1 directly to the Clerk of Court.
 Filing Fee is being paid in installments pursuant to LBR 1006-1 through the debtor(s) Chapter 13 plan as follows:

Total Filing Fee	<u>\$310.00</u>
Initial Installment paid with filing of petition:	<u>\$310.00</u>
Remaining Balance to be paid through Chapter 13 plan:	<u>\$0.00</u>

3. ATTORNEY'S FEES FOR DEBTOR(S)' BANKRUPTCY COUNSEL

The following Attorney's fees shall be paid through the Debtor(s) Plan payments:

Total Attorney Fee \$3,000.00
Amount paid by the Debtor(s) prior to filing directly to Attorney \$0.00.
Net Attorney fee being paid through the Chapter 13 Plan disbursements \$3,000.00.

4. SECURED CLAIMS PAID THROUGH THE PLAN

The Debtor(s) proposes that the Trustee make adequate protection payments prior to the Confirmation of this Plan, pursuant to § 1326(a)(1) to the following creditors indicated below holding a purchase money security interest in personal property. Only those creditors entitled to § 1326(a)(1) adequate protection payments will receive pre-confirmation payments through the debtor(s)' payments to the Trustee. The Trustee shall commence making such payments to creditors holding allowed claims secured by an interest in personal property consistent with the Trustee's distribution process and only after the timely filing of a proof of claim by such creditor. The Trustee shall receive the percentage fee fixed under 28 U.S.C. § 586(e) on all adequate protection payments. Pre-confirmation adequate protection payments shall be applied to the principal of the creditor's claim. Upon confirmation of the is plan all secured creditors will receive adequate protection payments as set out below along with the payment of the Debtor(s)' attorney's fees. At such time as the Debtor(s)' Attorney's fees have been paid in full, the creditor's claim shall be paid its specified monthly plan payments on the terms and conditions listed below as required under § 1325(a)(5).

CREDITORS	COLLATERAL DESCRIPTION	910/365 CLAIM? YES/NO	AMOUNT OF DEBT	COLLATERAL VALUE	INTEREST RATE	SECTION 1326 PMSI ADEQ PROT? YES/NO	ADEQ PROT PYMT	SPECIFIED MONTHLY PAYMENT
SUNTRUST BANK	2010 TOYOTA CAMRY	NO	\$5,850.00	\$10,000.00	5%	YES	\$59.00	\$150.00
OCWEN LOAN SERVICING	REAL PROPERTY AT 866 MAGNOLIA AVENUE, COLUMBUS, GA 31906	YES	\$35,392.00	\$39,080.00	5%	YES	\$353.00	\$775.00

5. LONG TERM DEBTS MAINTAINED THROUGH PLAN

The Debtor(s) propose(s) that the Trustee maintain the following long term debts through the plan. The Trustee shall make payments prior to confirmation of this Plan, to all of the following long term creditors, indicated below. The Trustee shall commence making such payments to creditors holding allowed secured claims consistent with the Trustee's distribution process and only after the timely filing of a proof of claim by such creditor. The Trustee shall receive the percentage fee fixed under 28 U.S.C. § 586(e) on all payments. Upon confirmation of this plan, said long term creditors will receive payments as set out below along with the payment of the debtor(s) attorney's fees.

CREDITOR	COLLATERAL DESCRIPTION	AMOUNT OF DEBT	COLLATERAL VALUE	MONTHLY PAYMENT
N/A				

6. SURRENDERED PROPERTY

Debtor(s) surrenders the following collateral. Upon confirmation, the automatic stay (including the co-debtor stay) is lifted as to surrendered collateral. Any claim filed by such creditor will receive no distribution under this Plan until an amended proof of claim is filed by such creditor, reflecting any deficiency balance remaining following surrender.

CREDITOR	COLLATERAL DESCRIPTION	AMOUNT OF DEBT	VALUE COLLATERAL
N/A			

7. CURING DEFAULTS

Pursuant to § 1322(b)(5) the Debtor(s) shall cure defaults with respect to the creditors indicated below. Trustee shall pay the allowed claims for arrearages at 100% through this Plan. The amount of default to be cured under this provision shall be the amount of the allowed claim filed by the creditor. The "amount of arrearage" listed herein is an estimate, and in no way shall this estimate limit what the Trustee shall distribute to said creditor under this Plan to cure the default.

CREDITOR	COLLATERAL DESCRIPTION	AMOUNT OF ARREARAGE	INTEREST RATE	SPECIFIED MONTHLY PAYMENT
CHASE MORTGAGE	RENTAL PROPERTY	\$1,226.00		\$24.00

8. DIRECT PAYMENTS

The following secured creditors or holders of long-term debt will be paid directly by the Debtor(s) to the creditors. The Debtor(s) shall make all § 1326 pre-confirmation adequate protection payments directly to the following creditors pursuant to the terms of the contract with the creditor. The Debtor(s) shall continue to make all payments to the creditor directly pursuant to the terms of the contract following the confirmation of the Debtor(s)' Plan.

CREDITOR	COLLATERAL DESCRIPTION	AMOUNT OF DEBT	VALUE OF COLLATERAL	DATE PAYMT TO RESUME	DIRECT PYMT AMOUNT
BB&T	1600 13 TH AVENUE, PHENIX CITY, AL 36867	\$20,557.82	\$35,790.00	4/1/2017	\$257.33
BB&T	310 15 TH AVENUE, PHENIX CITY, AL 36869	\$12,101.87	\$28,640.00	4/1/2017	\$193.25
DAN PARKER	1703 27 TH AVENUE, PHENIX CITY, AL 36867	\$15,600.00	\$59,844.00	4/1/2017	\$600.00
CARRINGTON MORTGAGE SERVICES, LLC	278 27 TH AVENUE, COLUMBUS, GA 31903	\$31,061.36	\$49,225.00	4/1/2017	\$467.97
CHASE MORTGAGE	1111 HENRY AVENUE, COLUMBUS, GA 31906	\$59,740.16	\$41,232.00	4/1/2017	\$433.29
SELECT PORTFOLIO SERVICING	1440 JOHN SMITH AVENUE, COLUMBUS, GA 31907	\$39,155.00	\$35,194.00	6/1/2017 (LOAN MODIFICATION)	\$231.77
OCWEN LOAN SERVICING	3908 CALHOUN DRIVE, COLUMBUS, GA 31906	\$18,326.06	\$39,236.00	4/1/2017	\$503.54

9. DOMESTIC SUPPORT OBLIGATIONS

The Debtor(s) proposes that following prepetition Domestic Support Obligation arrearage claims indicated below shall be paid in full through this plan pursuant to § 507(a)(1) unless the claimant agrees to some other treatment or the Court orders otherwise. The Debtor(s) shall directly pay all ongoing Domestic Support Obligations that become due after filing of the petition.

CREDITOR	TOTAL ARREARAGE	SPECIFIED MONTHLY PAYMENT
N/A		

10. **PRIORITY CLAIMS (EXCLUDING DOMESTIC SUPPORT OBLIGATIONS)**

The Debtor(s) will pay all priority claims pursuant to § 507 unless claimant expressly agrees otherwise including the following:

CLAIMANT	TYPE OF PRIORITY	SCHEDULED AMOUNT	SPECIFIED MONTHLY PAYMENT
N/A			

11. **EXECUTORY CONTRACTS AND UNEXPIRED LEASES**

Executory Contracts and/or leases receive the following designated treatment. For all executory contracts or unexpired leases being assumed by the debtor(s) pursuant to this plan, the Debtor(s) shall make all pre-confirmation §1326 adequate protection payments directly to the Lessors pursuant to the terms of the contract. For all contracts assumed, the Debtor(s) shall continue to make all payments directly to the creditor pursuant to the terms of the contract following the confirmation of the Debtor(s)' Plan:

CREDITOR	COLLATERAL DESCRIPTION	REJECT	ASSUME
N/A			

12. **SPECIALLY CLASSIFIED UNSECURED CLAIMS**

The following claims shall be paid as specially classified unsecured claims and shall receive the following designated treatment:

CREDITOR	AMOUNT OF DEBT SPECIALLY CLASSIFIED	INTEREST RATE	SPECIFIED MONTHLY PAYMENT
N/A			

13. **UNSECURED CLAIMS**

Allowed non-priority unsecured claims shall be paid through the distribution of the Debtor(s)' Chapter 13 Plan at a rate of 100 % or pro rata participation in a "POT" Plan of \$ _____ for the benefit of unsecured creditors, or until all allowed claims are paid in full. If this proposed dividend to unsecured creditors is less than 100%, Debtor(s) propose to pay to the Trustee all projected disposable income for the applicable commitment period for the benefit of unsecured creditors as required by §1325(b).

14. **OTHER PLAN PROVISIONS**

(a) **Lien Retention:** Allowed secured claim holders shall retain liens until liens are released or upon completion of all payments under this Plan.

(b) **Vesting of property of the Estate**

____ Property of the Estate shall revert in the Debtor(s) upon confirmation of the Debtor(s)' Plan.

x Property of the Estate shall remain property of the estate subsequent to confirmation of Plan.

All property of the Estate whether it remains in the estate or reverts with the Debtor(s) upon confirmation of the Plan shall remain in the Debtor(s)' Possession and control. The Debtor(s) shall have use of property of the estate, subject to the requirements of §363 of the Bankruptcy Code.

(c) **Direct Payments by Debtor(s):** Secured Creditors and lessors to be paid directly by the Debtor(s) may continue to mail Debtor(s) the customary monthly notices or coupons notwithstanding the automatic stay.

(d) **Other provisions of the Plan Not Elsewhere Described:**

- (a) CONFIRMATION OF THE CASE WILL CONSTITUTE A FINDING THE REQUIREMENTS OF SECTION 521 HAVE BEEN COMPLIED WITH .:
- (b) THE NON-PMSI IN HHG OF THE FOLLOWING SHALL BE VOID UPON COMPLETION OF THE PLAN: **NONE**
- (c) **IF THE DEBTOR(S) HAVE ANY STUDENT LOANS, THEY SHALL BE DEFERRED DURING THE PENDENCY OF THIS CHAPTER 13 PLAN.**

/s/ James Edward Thomas

Debtor Signature

July 25, 2017

Date

Arey & Cross, P.C.
America A. Cross
Attorney for the Debtor(s)
4800 Armour Road
Columbus, GA 31904
(706) 596-6745
State Bar No: CRO-075

July 25, 2017

Date

CERTIFICATE OF SERVICE

I, America A. Cross, certify that I am and, at all times hereinafter mentioned, was more than 18 years of age; and that on the date below, I served copies of the Amended Chapter 13 Plan by electronically filing or by placing copies of the same in the United States Mail with appropriate postage affixed thereon to insure proper delivery addressed as follows:

SEE ATTACHED DISTRIBUTION LIST

I, certify under penalty of perjury that the foregoing is true and correct.

Executed on 7/25/2017

By: 

AREX & CROSS, P.C.
America A. Cross
Attorney for Debtor
4800 Armour Road
Columbus, GA 31904
(706) 596-6745
STATE BAR NO: CRO-075

Label Matrix for local noticing
1127-3
Case 17-80441
Middle District of Alabama
Opelika
Tue Jul 25 13:28:27 CDT 2017

Bankruptcy Administrator
U. S. Bankruptcy Administrator
One Church Street
Montgomery, AL 36104-4018

Carrington Mortgage
P.O. Box 79001
Phoenix, AZ 85062-9001

Donald Harper & Betty Thomas
1208 13th Avenue
Phenix City, AL 36867-5618

Medical Payment Data
Eastern Account System
75 Glen Rd Ste 310
Sandy Hook, CT 06482-1175

SPS
Select Portfolio Servicing, Inc.
P.O. Box 551170
Jacksonville, FL 32255-1170

Wells Fargo Card Services
P.O. Box 10347
Des Moines, IA 50306-0347

Sabrina L. McKinney
P.O. Box 173
Montgomery, AL 36101-0173

U.S. Bankruptcy Court
One Church Street
Montgomery, AL 36104-4018

CAPITAL ONE, N.A.
C/O BECKETT AND LEE LLP
PO BOX 3001
MALVERN PA 19355-0701

Chase Mortgage
P.O. Box 24696
Columbus, OH 43224-0696

Hughston Hospital
Resurgent Capital Services
PO Box 1927
Greenville, SC 29602-1927

Ocwen Loan Servicing, LLC
P.O. Box 24736
West Palm Beach, FL 33416-4736

SunTrust Bank
Attn: Support Services
PO Box 85092
Richmond, VA 23285-5092

America A. Cross
Arey & Cross, PC
4800 Armour Road
Columbus, GA 31904-5231

(p)BB AND T
PO BOX 1847
WILSON NC 27894-1847

Capital One
P.O. Box 30285
Salt Lake City, UT 84130-0285

Dan Parker
5670 Whitesville Road
Columbus, GA 31904-3477

Kohl's
P.O. Box 2983
Milwaukee, WI 53201-2983

Physical Mutual Insurance Company
P.O. Box 3813
Omaha, NE 68172-4005

Suntrust Bank
Bankruptcy Dept.
P.O. Box 85092
Richmond, VA 23286-0001

James Edward Thomas
1600 Gloria Street
Phenix City, AL 36869-7761

The preferred mailing address (p) above has been substituted for the following entity/entities as so specified by said entity/entities in a Notice of Address filed pursuant to 11 U.S.C. 342(f) and Fed.R.Bank.P. 2002 (g)(4).

BB&T
P.O. Box 2306
Wilson, NC 27894

(d)BB&T
PO Box 1847
Wilson, NC 27894

The following recipients may be/have been bypassed for notice due to an undeliverable (u) or duplicate (d) address.

(u) CARRINGTON MORTGAGE SERVICES, LLC

(u) Ocwen Loan Servicing, LLC Servicer for Deu

(u) Ocwen Loan Servicing, LLC Servicer for The

(u) SELECT PORTFOLIO SERVICING, INC.

(u) JPMorgan Chase Bank, National Association

End of Label Matrix	
Mailable recipients	21
Bypassed recipients	5
Total	26